

WHATLEY DRAKE, LLC

JOE R. WHATLEY, JR.

PETER H. BURKE

2323 Second Avenue North

Birmingham, AL 35202

Telephone: 205/328-9576

Facsimile: 205/328-9669

Plaintiffs' Lead Co-Counsel

REICH & BINSTOCK, LLP

PAUL T. WARNER

4265 San Felipe, Suite 1000

Houston, TX 77027

Telephone: 713/622-7271

Facsimile: 713/623-8724

Plaintiffs' Lead Co-Counsel

GILBERT & SACKMAN, A LAW CORPORATION

JAY SMITH (SBN 166105)

LAURIE A. TRAKTMAN (SBN 165588)

6100 Wilshire Blvd., Suite 700

Los Angeles, CA 90048

Telephone: 323/938-3000

Facsimile: 323/937-9139

Plaintiffs' Liaison Counsel

[Counsel con't. on next page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re ARIBA, INC.
DERIVATIVE LITIGATION

CV-03-02172 JF (PVT)

[PROPOSED] ORDER
DISMISSING ACTION WITHOUT
PREJUDICE

This Document Relates To:
ALL ACTIONS

SHEARMAN & STERLING, LLP

JEFFREY S. FACTOR
RAYMOND A. JUST
525 Market Street, Suite 1500
San Francisco, CA 94104-1522
Phone: (415) 616-1100
Fax: (415) 616-1199

Counsel for Defendants Keith J. Krach, Robert
M. Calderoni, Robert C. Kagle, Paul Hegarty,
John B. Mumford, Robert J. DeSantis, Karl C.
Kleinssner, Kirk A. Cruikshank, Rune C. Eliassen,
Paul A. Melchiorre, Hatim A. Tyabji,
Robert E. Knowling, Paul Touw and
nominal defendant Ariba

RUBY & SCHOFIELD

GLEN SCHOFIELD
60 South Market Street, Ste. 1500
San Jose, CA 95113
Telephone: (408) 998-8500
Fax: (408) 998-8503

Counsel for Defendant Edward P. Kinsey

KORDA, JOHNSON & WALL, LLP

MICHAEL KORDA
66 East Santa Clara St., Ste. 250
San Jose, CA 95113
Telephone: (408) 494-0700
Fax: (408) 494-0707

Counsel for Defendant Lawrence A. Mueller

1 Pursuant to the stipulation between Plaintiff and the Defendants dated August 4,
2 2005, and good cause appearing therefore, IT IS HEREBY ORDERED that this action
3 shall be, and hereby is, dismissed on the following terms and conditions.

- 4 1. The dismissal is without prejudice.
- 5 2. All attorney's fees and costs shall be taxed against the party incurring
6 same.
- 7 3. Under the circumstances notice pursuant to Rule 23.1 of the Federal
8 Rules of Civil Procedure shall not be required.

9
10 DATED this 4th day of August, 2005.

11
12 /s/electronic signature authorized

13 The Honorable Jeremy F. Fogel
14 United States District Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28